



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 25, 2013

Apartment Acquisition Partners, LLC
1424 4th Street, Suite 220A
Santa Monica, CA 90401

**REGARDING: PROJECT NO. R2012-02432-(2)
CONDITIONAL USE PERMIT NO. 201200009
1731-1745 W. 120th STREET LOS ANGELES 90047**

The Director of Planning, by his action of **April 25, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Director's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Director's decision. The appeal period for this project will end at 5:00 p.m. on **May 9, 2013. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Iris Chi of the Zoning Permits North Section at (213) 974-6443, or by email at ichi@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Iris Chi, AICP, Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement

CC.060412

**FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02432-(2)
MINOR CONDITIONAL USE PERMIT NO. 201200009**

1. **ENTITLEMENT REQUESTED.** The applicant, Apartment Acquisition Partners, LLC, is requesting a Minor Conditional Use Permit (MCP) to authorize the continued operation and maintenance of an existing 32-unit apartment complex within the West Athens/Westmont Zoned District, pursuant to Los Angeles County ("County") Code Section 22.56.085 in the in the C-2 (Neighborhood Business) Zone.
2. **PROJECT DESCRIPTION.** The applicant is requesting a MCP for the continued operation and maintenance of an existing 32-unit nonconforming apartment complex on a 0.42 acre parcel. The apartment was built in 1961. There are four two-story buildings with each containing eight units. There are 32 parking spaces (24 covered, 8 uncovered) for the residents. The property is accessible by three driveways. There are two nine feet-six inch wide driveways located in the far east and west sides of the parcel. The center driveway measures 19 feet wide.
3. **LOCATION. 1731-1745 West 120th Street Los Angeles, CA 90047**
4. **EXISTING ZONING.** The subject property is zoned C-2 in the West Athens/Westmont Zoned District.

Surrounding properties are zoned as follows:
North: Caltrans, C-2
South: C-2, R-1 (Single-Family Residence)
East: R-1
West: C-3-DP (Unlimited Commercial-Development Program)
5. **EXISTING LAND USES.** The subject property has been developed as a 32-unit apartment complex. The apartment complex was constructed in 1961. Surrounding land uses are as follows:

North: Railway, 105 Freeway
South: Vacant commercial building, Multi-family residences, Single-family residences
East: Vacant
West: Vacant
6. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the C (Commercial) land use designation of the West Athens/Westmont Community Plan ("Community Plan"), a component of the County General Plan.

Land Use Goal 1 – To preserve and improve the residential character of the community.

Housing Goal 1 – To preserve existing stable residential neighborhoods.

This project has existed since 1961 and currently houses 32 families. The project is consistent with the Community Plan Land Use and Housing goals. Both Land Use Goal 1 and Housing Goal 1 seek to preserve the residential character of West Athens/Westmont by ensuring the existing residential neighborhoods are thriving. Although the land use designation of the subject parcel is Commercial, not a Residential designation, the use is consistent with the surrounding uses.

7. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.

Pursuant to Section 22.56.085 of the County Code, any person filing an application for a MCP must ensure the project is in accordance with said section for the applicable uses. Nonconforming apartment houses in zones where the use is allowed with a conditional use permit ("CUP") is an applicable use that may apply for a MCP. The project is in the C-2 zone and apartments are allowed in the C-2 zone with a CUP.

Pursuant to Section 22.52.1180 of the County Code, the project would need to provide 48 covered parking spaces and 20 uncovered parking spaces (12 spaces for residents, 8 spaces designated as guest parking). The project currently has 24 covered parking spaces and 8 uncovered spaces. The parking standards in 1961 when the project was constructed, required one covered parking space for each dwelling unit. There are building permits issued in 1961 for carports for only 24 parking spaces. The remaining 8 parking spaces provided are uncovered and there are no building permits to indicate that these spaces were covered at any given point. The on-site parking that is provided for this project is nonconforming due to standards.

Pursuant to Section 22.28.170.A of the County Code, the property is required to 2,840 square feet of landscaping on the property. Currently, the project has less than the required amount of landscaping required. When the project was constructed in 1961, landscaping was not required. The landscaping for this project is nonconforming due to standards. Although there is not enough space to provide the required amount of landscaping, the applicant has made efforts to landscape the areas fronting 120th Street and the interior courtyards.

8. NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.

The surrounding land uses are vacant lots to the east and west; the 105 Freeway and railway to the north; and a vacant commercial building and multi and single-family residences to the south. The project is compatible with the surround uses and is consistent with the neighborhood since it has existed since 1961. The project provides housing to 32 families.

9. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Section 22.56.085 of the County Code, the community was appropriately notified of the application by mail. The notice described the project and indicated that any individual may request for a public hearing through a written request within 14 days of noticing, which was by April 10, 2013.
10. **PUBLIC COMMENTS.** No public comments were received.

MINOR CONDITIONAL USE PERMIT SPECIFIC FINDINGS

11. The land use designation for this property is C (Commercial). The project is for the continued operation and maintenance of an existing 32-unit apartment complex that has existed since 1961. The existing use is consistent with the surrounding uses. Therefore, the proposed use will be consistent with the adopted general plan for the area.
12. The project is an existing 32-unit apartment complex constructed in 1961. Contiguous to the project on its east and west sides is unimproved land. Other than this unimproved land, the area is dominated by residential property including multi-family residential. The project is consistent with the surrounding residential area.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

13. The project has existed since 1961 when it was legally constructed and has been in continuous use as an apartment complex since then. It is compatible with the uses in the surrounding residential area. The project is adequately landscaped, and has sufficient parking and walls. The current owner purchased the property in March 2012 and has spent a substantial sum to improve the property through maintenance and landscaping. Thirty-two (32) low income families live in the project.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

14. There is adequate ingress and egress from the public street through three driveways. There is adequate on-site covered parking. 120th Street is a four lane arterial road with a traffic signal nearby. The existing water, power, electrical and sewage services have adequately served the site since 1961.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

15. The community was notified of the project by mail with a description of the project and an option to request a public hearing for the project. Per Section 22.56.085 of the County Code, unless at least two requests for a public hearing have been filed with the Director of County Department of Regional Planning ("Regional planning"), the Director may grant the MCP without a public hearing if the director finds that the use requested will comply with the findings required by section 22.56.090. No request for a public hearing was received.
16. The project is an existing apartment that was constructed legally with building permits in an urban area. The apartment has been continuously operating since 1961 and all services are in place. Therefore, the impacts of the use requested on safety, facilities and services, and natural resources are minor in nature.
17. **ENVIRONMENTAL DETERMINATION.** Regional Planning recommends that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation pursuant to Section 21084 of the California Environmental Quality Act (CEQA) and the County Environmental Document Reporting Guidelines. The State CEQA Guidelines include a list of classes of projects which the Secretary of Resources found not to have a significant effect on the environment and which, therefore, are exempt from the provision of CEQA.
18. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development

features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and

- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and
- E. That the community was appropriately notified of the proposed project and no requests for a public hearing was received; and
- F. That the impacts of the use requested on safety, facilities and services, and natural resources are minor in nature.

THEREFORE, the information submitted by the applicant substantiates the required findings for a Minor Conditional Use Permit as set forth in Section 22.56.085 of the Los Angeles County Code (Zoning Ordinance).

DIRECTOR ACTION:

- 1. The Director has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment. The project is not located in an environmentally sensitive area.
- 2. In view of the findings of fact and conclusions presented above, Minor Conditional Use Permit No. 201200009 is Approved subject to the attached conditions.

SMT:IC
4/25/13

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02432-(2)
MINOR CONDITIONAL USE PERMIT NO. 201200009**

PROJECT DESCRIPTION

The applicant, Apartment Acquisition Partners, LLC, is requesting a Minor Conditional Use Permit (MCP) to authorize the continued operation and maintenance of an existing 32-unit apartment complex, four (4) 2-story buildings, parking, landscaping, and driveways within the West Athens/Westmont Zoned District, pursuant to Los Angeles County ("County") Code Section 22.56.085 in the in the C-2 (Neighborhood Business) Zone.

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single six (6) month time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. Compliance with Condition No. 2 and continuation of use shall constitute use of this grant.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.

12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

18. This grant shall authorize continued operation and maintenance of an existing 32-unit apartment complex.
19. A total of 32 parking spaces shall be maintained. Twenty-four (24) of the total parking spaces shall be covered.

20. The area fronting 120th Street and the interior courtyards shall be landscaped.
21. For purposes of this grant, APNs 6079-022-001, 6079-022-002, 6079-022-003, and 6079-022-004 shall be held as one development.